

Bill No. SB 2470

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Proposed Committee Substitute by the Committee on Children and Families

1 A bill to be entitled

2 An act relating to the welfare of children;

3 amending s. 39.001, F.S.; providing additional

4 purposes of ch. 39, F.S.; revising legislative

5 intent; creating the Office of Child Abuse

6 Prevention within the Executive Office of the

7 Governor; directing the Governor to appoint a

8 director of the office; providing duties and

9 responsibilities of the director; providing

10 procedures for evaluation of child abuse

11 prevention programs; requiring a report to the

12 Governor, Legislature, secretaries of certain

13 state agencies, and certain committees of the

14 Legislature; providing for information to be

15 included in the report; providing for the

16 development and implementation of a state plan

17 for the coordination of child abuse prevention

18 programs and services; establishing a Child

19 Abuse Prevention Advisory Council; providing

20 for membership, duties, and responsibilities;

21 requiring requests for funding to be based on

22 the state plan; providing for review and

23 revision of the state plan; granting rulemaking

24 authority to the Executive Office of the

25 Governor; requiring the Legislature to evaluate

26 the office by a specified date; amending s.

27 39.0014, F.S.; providing responsibilities of

28 the office under ch. 39, F.S.; amending s.

29 39.01, F.S.; providing and revising

30 definitions; amending s. 39.202, F.S.;

31 providing access to records for agencies that

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1 provide early intervention and prevention
 2 services; amending ss. 39.0015 and 39.302,
 3 F.S.; conforming cross-references; amending s.
 4 402.164, F.S.; establishing legislative intent
 5 for the statewide and local advocacy councils;
 6 amending s. 402.165, F.S.; providing guidelines
 7 for selection of the executive director of the
 8 Florida Statewide Advocacy Council;
 9 establishing a process for investigating
 10 reports of abuse; revising council meeting
 11 requirements; providing requirements for
 12 interagency agreements; requiring interagency
 13 agreements to be renewed annually and submitted
 14 to the Governor by a specified date; amending
 15 s. 409.1451, F.S., relating to independent
 16 living transition services; revising
 17 eligibility requirements for certain young
 18 adults; revising duties of the Department of
 19 Children and Family Services regarding
 20 independent living transition services;
 21 including additional parties in the review of a
 22 child's academic performance; requiring the
 23 department or a community-based care lead
 24 agency under contract with the department to
 25 develop a plan for delivery of such services;
 26 revising provisions governing life skills
 27 services; requiring that the department or
 28 provider work with the child to develop a joint
 29 transition plan; requiring judicial review of
 30 the plan; requiring additional aftercare
 31 support services; providing additional

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1 qualifications to receive an award under the
2 Road-to-Independence Program; providing
3 procedures for the payment of awards; requiring
4 a community-based care lead agency to develop a
5 plan for purchase and delivery of such services
6 and requiring department approval prior to
7 implementation; permitting the Independent
8 Living Services Advisory Council to have access
9 to certain data held by the department and
10 certain agencies; amending s. 409.175, F.S.;
11 revising the definition of the term "boarding
12 school" to require such schools to meet certain
13 standards within a specified timeframe;
14 amending ss. 39.013 and 1009.25, F.S.;
15 conforming references to changes made by the
16 act; amending s. 39.701, F.S.; requiring the
17 court to issue an order, separate from any
18 other judicial review order, that the
19 disabilities of nonage of the youth have been
20 removed from the youth in foster care so that
21 the youth may lease residential property;
22 creating s. 743.045, F.S.; removing the
23 disability of nonage for certain youth in the
24 legal custody of the Department of Children and
25 Family Services who are in foster care to
26 enable the youth to execute a contract for the
27 lease of residential property in order that the
28 youth may move into the leased residential
29 property on the day of the youth's 18th
30 birthday; providing specified eligibility
31 criteria; providing for the validity of the

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1 contracts; requiring the youth to present an
2 order from a court of competent jurisdiction
3 removing the disability of nonage; providing an
4 effective date.

5

6 Be It Enacted by the Legislature of the State of Florida:

7

8 Section 1. Subsections (1) and (6) of section 39.001,
9 Florida Statutes, are amended, subsections (7) and (8) are
10 renumbered as subsections (8) and (9) and amended, present
11 subsection (9) is renumbered as subsection (10), and new
12 subsections (7), (11), and (12) are added to that section, to
13 read:

14 39.001 Purposes and intent; personnel standards and
15 screening.--

16 (1) PURPOSES OF CHAPTER.--The purposes of this chapter
17 are:

18 (a) To provide for the care, safety, and protection of
19 children in an environment that fosters healthy social,
20 emotional, intellectual, and physical development; to ensure
21 secure and safe custody; ~~and~~ to promote the health and
22 well-being of all children under the state's care; and to
23 prevent the occurrence of child abuse, neglect, and
24 abandonment.

25 (b) To recognize that most families desire to be
26 competent caregivers and providers for their children and that
27 children achieve their greatest potential when families are
28 able to support and nurture the growth and development of
29 their children. Therefore, the Legislature finds that policies
30 and procedures that provide for prevention and intervention
31 through the department's child protection system should be

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1 based on the following principles:

2 1. The health and safety of the children served shall
3 be of paramount concern.

4 2. The prevention and intervention should engage
5 families in constructive, supportive, and nonadversarial
6 relationships.

7 3. The prevention and intervention should intrude as
8 little as possible into the life of the family, be focused on
9 clearly defined objectives, and take the most parsimonious
10 path to remedy a family's problems.

11 4. The prevention and intervention should be based
12 upon outcome evaluation results that demonstrate success in
13 protecting children and supporting families.

14 (c) To provide a child protection system that reflects
15 a partnership between the department, other agencies, and
16 local communities.

17 (d) To provide a child protection system that is
18 sensitive to the social and cultural diversity of the state.

19 (e) To provide procedures which allow the department
20 to respond to reports of child abuse, abandonment, or neglect
21 in the most efficient and effective manner that ensures the
22 health and safety of children and the integrity of families.

23 (f) To preserve and strengthen the child's family ties
24 whenever possible, removing the child from parental custody
25 only when his or her welfare cannot be adequately safeguarded
26 without such removal.

27 (g) To ensure that the parent or legal custodian from
28 whose custody the child has been taken assists the department
29 to the fullest extent possible in locating relatives suitable
30 to serve as caregivers for the child.

31 (h) To ensure that permanent placement with the

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1 biological or adoptive family is achieved as soon as possible
2 for every child in foster care and that no child remains in
3 foster care longer than 1 year.

4 (i) To secure for the child, when removal of the child
5 from his or her own family is necessary, custody, care, and
6 discipline as nearly as possible equivalent to that which
7 should have been given by the parents; and to ensure, in all
8 cases in which a child must be removed from parental custody,
9 that the child is placed in an approved relative home,
10 licensed foster home, adoptive home, or independent living
11 program that provides the most stable and potentially
12 permanent living arrangement for the child, as determined by
13 the court. All placements shall be in a safe environment where
14 drugs and alcohol are not abused.

15 (j) To ensure that, when reunification or adoption is
16 not possible, the child will be prepared for alternative
17 permanency goals or placements, to include, but not be limited
18 to, long-term foster care, independent living, custody to a
19 relative on a permanent basis with or without legal
20 guardianship, or custody to a foster parent or legal custodian
21 on a permanent basis with or without legal guardianship.

22 (k) To make every possible effort, when two or more
23 children who are in the care or under the supervision of the
24 department are siblings, to place the siblings in the same
25 home; and in the event of permanent placement of the siblings,
26 to place them in the same adoptive home or, if the siblings
27 are separated, to keep them in contact with each other.

28 (l) To provide judicial and other procedures to assure
29 due process through which children, parents, and guardians and
30 other interested parties are assured fair hearings by a
31 respectful and respected court or other tribunal and the

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1 recognition, protection, and enforcement of their
2 constitutional and other legal rights, while ensuring that
3 public safety interests and the authority and dignity of the
4 courts are adequately protected.

5 (m) To ensure that children under the jurisdiction of
6 the courts are provided equal treatment with respect to goals,
7 objectives, services, and case plans, without regard to the
8 location of their placement. It is the further intent of the
9 Legislature that, when children are removed from their homes,
10 disruption to their education be minimized to the extent
11 possible.

12 (n) To create and maintain an integrated prevention
13 framework that enables local communities, state agencies, and
14 organizations to collaborate to implement efficient and
15 properly applied evidence-based child abuse prevention
16 practices.

17 (6) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE,
18 ABANDONMENT, AND NEGLECT OF CHILDREN.--The incidence of known
19 child abuse, abandonment, and neglect has increased rapidly
20 over the past 5 years. The impact that abuse, abandonment, or
21 neglect has on the victimized child, siblings, family
22 structure, and inevitably on all citizens of the state has
23 caused the Legislature to determine that the prevention of
24 child abuse, abandonment, and neglect shall be a priority of
25 this state. To further this end, it is the intent of the
26 Legislature that an Office of Child Abuse Prevention be
27 established ~~a comprehensive approach for the prevention of~~
28 ~~abuse, abandonment, and neglect of children be developed for~~
29 ~~the state and that this planned, comprehensive approach be~~
30 ~~used as a basis for funding.~~

31 (7) OFFICE OF CHILD ABUSE PREVENTION.--

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1 (a) For purposes of establishing a comprehensive
2 statewide approach for the prevention of child abuse,
3 abandonment, and neglect, the Office of Child Abuse Prevention
4 is created within the Executive Office of the Governor. The
5 Governor shall appoint a director for the office who shall be
6 subject to confirmation by the Senate.

7 (b) The director shall:

8 1. Formulate and recommend rules pertaining to
9 implementation of child abuse prevention efforts.

10 2. Act as the Governor's liaison with state agencies,
11 other state governments, and the public and private sectors on
12 matters that relate to child abuse prevention.

13 3. Work to secure funding and other support for the
14 state's child abuse prevention efforts, including, but not
15 limited to, establishing cooperative relationships among state
16 and private agencies.

17 4. Develop a strategic program and funding initiative
18 that links the separate jurisdictional activities of state
19 agencies with respect to child abuse prevention. The office
20 may designate lead and contributing agencies to develop such
21 initiatives.

22 5. Advise the Governor and the Legislature on child
23 abuse trends in this state, the status of current child abuse
24 prevention programs and services, the funding of those
25 programs and services, and the status of the office with
26 regard to the development and implementation of the state
27 child abuse prevention strategy.

28 6. Develop child abuse prevention public awareness
29 campaigns to be implemented throughout the state.

30 (c) The office is authorized and directed to:

31 1. Oversee the preparation and implementation of the

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state plan established under subsection (8) and revise and update the state plan as necessary.

2. Conduct, otherwise provide for, or make available continuing professional education and training in the prevention of child abuse and neglect.

3. Work to secure funding in the form of appropriations, gifts, and grants from the state, the Federal Government, and other public and private sources in order to ensure that sufficient funds are available for prevention efforts.

4. Make recommendations pertaining to agreements or contracts for the establishment and development of:

a. Programs and services for the prevention of child abuse and neglect.

b. Training programs for the prevention of child abuse and neglect.

c. Multidisciplinary and discipline-specific training programs for professionals with responsibilities affecting children, young adults, and families.

5. Monitor, evaluate, and review the development and quality of local and statewide services and programs for the prevention of child abuse and neglect and shall publish and distribute an annual report of its findings on or before January 1 of each year to the Governor, the Speaker of the House of Representatives, the President of the Senate, the secretary of each state agency affected by the report, and the appropriate substantive committees of the Legislature. The report shall include:

a. A summary of the activities of the office.

b. A summary detailing the demographic and geographic characteristics of families served by the prevention programs.

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1 c. Recommendations, by state agency, for the further
2 development and improvement of services and programs for the
3 prevention of child abuse and neglect.

4 d. The budget requests and prevention program needs by
5 state agency.

6 (8)(7) PLAN FOR COMPREHENSIVE APPROACH.--

7 (a) The office ~~department~~ shall develop a state plan
8 for the prevention of abuse, abandonment, and neglect of
9 children and shall submit the state plan to the Speaker of the
10 House of Representatives, the President of the Senate, and the
11 Governor no later than December 31, 2007 ~~January 1, 1983~~. The
12 Department of Children and Family Services, the Department of
13 Corrections, the Department of Education, the Department of
14 Health, the Department of Juvenile Justice, the Department of
15 Law Enforcement, the Agency for Persons with Disabilities, and
16 the Agency for Workforce Innovation ~~The Department of~~
17 ~~Education and the Division of Children's Medical Services~~
18 ~~Prevention and Intervention of the Department of Health~~ shall
19 participate and fully cooperate in the development of the
20 state plan at both the state and local levels. Furthermore,
21 appropriate local agencies and organizations shall be provided
22 an opportunity to participate in the development of the state
23 plan at the local level. Appropriate local groups and
24 organizations shall include, but not be limited to, community
25 mental health centers; guardian ad litem programs for children
26 under the circuit court; the school boards of the local school
27 districts; the Florida local advocacy councils;
28 community-based care lead agencies; private or public
29 organizations or programs with recognized expertise in working
30 with child abuse prevention programs for children and
31 families; private or public organizations or programs with

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1 recognized expertise in working with children who are sexually
2 abused, physically abused, emotionally abused, abandoned, or
3 neglected and with expertise in working with the families of
4 such children; private or public programs or organizations
5 with expertise in maternal and infant health care;
6 multidisciplinary child protection teams; child day care
7 centers; law enforcement agencies; ~~and~~ and the circuit courts,
8 when guardian ad litem programs are not available in the local
9 area. The state plan to be provided to the Legislature and the
10 Governor shall include, as a minimum, the information required
11 of the various groups in paragraph (b).

12 (b) The development of the ~~comprehensive~~ state plan
13 shall be accomplished in the following manner:

14 1. The office shall establish a Child Abuse Prevention
15 Advisory Council composed of representatives from each state
16 agency and appropriate local agencies and organizations
17 specified in paragraph (a). The advisory council shall serve
18 as the research arm of the office and ~~The department shall~~
19 ~~establish an interprogram task force comprised of the Program~~
20 ~~Director for Family Safety, or a designee, a representative~~
21 ~~from the Child Care Services Program Office, a representative~~
22 ~~from the Family Safety Program Office, a representative from~~
23 ~~the Mental Health Program Office, a representative from the~~
24 ~~Substance Abuse Program Office, a representative from the~~
25 ~~Developmental Disabilities Program Office, and a~~
26 ~~representative from the Division of Children's Medical~~
27 ~~Services Prevention and Intervention of the Department of~~
28 ~~Health. Representatives of the Department of Law Enforcement~~
29 ~~and of the Department of Education shall serve as ex officio~~
30 ~~members of the interprogram task force. The interprogram task~~
31 ~~force shall be responsible for:~~

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1 a. Assisting in developing a plan of action for better
2 coordination and integration of the goals, activities, and
3 funding pertaining to the prevention of child abuse,
4 abandonment, and neglect conducted by the office ~~department~~ in
5 order to maximize staff and resources at the state level. The
6 plan of action shall be included in the state plan.

7 b. Assisting in providing a basic format to be
8 utilized by the districts in the preparation of local plans of
9 action in order to provide for uniformity in the district
10 plans and to provide for greater ease in compiling information
11 for the state plan.

12 c. Providing the districts with technical assistance
13 in the development of local plans of action, if requested.

14 d. Assisting in examining the local plans to determine
15 if all the requirements of the local plans have been met and,
16 if they have not, informing the districts of the deficiencies
17 and requesting the additional information needed.

18 e. Assisting in preparing the state plan for
19 submission to the Legislature and the Governor. Such
20 preparation shall include the incorporation into the state
21 plan ~~collapsing~~ of information obtained from the local plans,
22 the cooperative plans with the members of the advisory council
23 ~~Department of Education~~, and the plan of action for
24 coordination and integration of state departmental activities
25 ~~into one comprehensive plan~~. The state ~~comprehensive~~ plan
26 shall include a section reflecting general conditions and
27 needs, an analysis of variations based on population or
28 geographic areas, identified problems, and recommendations for
29 change. In essence, the state plan shall provide an analysis
30 and summary of each element of the local plans to provide a
31 statewide perspective. The state plan shall also include each

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1 separate local plan of action.

2 f. Conducting a feasibility study on the establishment
3 of a Children's Cabinet.

4 g.f. Working with the specified state agency in
5 fulfilling the requirements of subparagraphs 2., 3., 4., and
6 5.

7 2. The office, the department, the Department of
8 Education, and the Department of Health shall work together in
9 developing ways to inform and instruct parents of school
10 children and appropriate district school personnel in all
11 school districts in the detection of child abuse, abandonment,
12 and neglect and in the proper action that should be taken in a
13 suspected case of child abuse, abandonment, or neglect, and in
14 caring for a child's needs after a report is made. The plan
15 for accomplishing this end shall be included in the state
16 plan.

17 3. The office, the department, the Department of Law
18 Enforcement, and the Department of Health shall work together
19 in developing ways to inform and instruct appropriate local
20 law enforcement personnel in the detection of child abuse,
21 abandonment, and neglect and in the proper action that should
22 be taken in a suspected case of child abuse, abandonment, or
23 neglect.

24 4. Within existing appropriations, the office
25 ~~department~~ shall work with other appropriate public and
26 private agencies to emphasize efforts to educate the general
27 public about the problem of and ways to detect child abuse,
28 abandonment, and neglect and in the proper action that should
29 be taken in a suspected case of child abuse, abandonment, or
30 neglect. The plan for accomplishing this end shall be included
31 in the state plan.

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1 5. The office, the department, the Department of
2 Education, and the Department of Health shall work together on
3 the enhancement or adaptation of curriculum materials to
4 assist instructional personnel in providing instruction
5 through a multidisciplinary approach on the identification,
6 intervention, and prevention of child abuse, abandonment, and
7 neglect. The curriculum materials shall be geared toward a
8 sequential program of instruction at the four progressional
9 levels, K-3, 4-6, 7-9, and 10-12. Strategies for encouraging
10 all school districts to utilize the curriculum are to be
11 included in the ~~comprehensive~~ state plan for the prevention of
12 child abuse, abandonment, and neglect.

13 6. Each district of the department shall develop a
14 plan for its specific geographical area. The plan developed at
15 the district level shall be submitted to the advisory council
16 ~~interprogram task force~~ for utilization in preparing the state
17 plan. The district local plan of action shall be prepared with
18 the involvement and assistance of the local agencies and
19 organizations listed in this paragraph ~~(a)~~, as well as
20 representatives from those departmental district offices
21 participating in the treatment and prevention of child abuse,
22 abandonment, and neglect. In order to accomplish this, the
23 office ~~district administrator in each district~~ shall establish
24 a task force on the prevention of child abuse, abandonment,
25 and neglect. The office ~~district administrator~~ shall appoint
26 the members of the task force in accordance with the
27 membership requirements of this section. The office ~~in~~
28 ~~addition, the district administrator shall ensure that each~~
29 ~~subdistrict is represented on the task force; and, if the~~
30 ~~district does not have subdistricts, the district~~
31 ~~administrator~~ shall ensure that both urban and rural areas are

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1 represented on the task force. The task force shall develop a
2 written statement clearly identifying its operating
3 procedures, purpose, overall responsibilities, and method of
4 meeting responsibilities. The district plan of action to be
5 prepared by the task force shall include, but shall not be
6 limited to:

7 a. Documentation of the magnitude of the problems of
8 child abuse, including sexual abuse, physical abuse, and
9 emotional abuse, and child abandonment and neglect in its
10 geographical area.

11 b. A description of programs currently serving abused,
12 abandoned, and neglected children and their families and a
13 description of programs for the prevention of child abuse,
14 abandonment, and neglect, including information on the impact,
15 cost-effectiveness, and sources of funding of such programs.

16 c. A continuum of programs and services necessary for
17 a comprehensive approach to the prevention of all types of
18 child abuse, abandonment, and neglect as well as a brief
19 description of such programs and services.

20 d. A description, documentation, and priority ranking
21 of local needs related to child abuse, abandonment, and
22 neglect prevention based upon the continuum of programs and
23 services.

24 e. A plan for steps to be taken in meeting identified
25 needs, including the coordination and integration of services
26 to avoid unnecessary duplication and cost, and for alternative
27 funding strategies for meeting needs through the reallocation
28 of existing resources, utilization of volunteers, contracting
29 with local universities for services, and local government or
30 private agency funding.

31 f. A description of barriers to the accomplishment of

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a comprehensive approach to the prevention of child abuse,
abandonment, and neglect.

g. Recommendations for changes that can be
accomplished only at the state program level or by legislative
action.

(9)(8) FUNDING AND SUBSEQUENT PLANS.--

(a) All budget requests submitted by the office, the
department, the Department of Health, the Department of
Education, the Department of Juvenile Justice, the Department
of Corrections, the Agency for Persons with Disabilities, the
Agency for Workforce Innovation, or any other agency to the
Legislature for funding of efforts for the prevention of child
abuse, abandonment, and neglect shall be based on the state
plan developed pursuant to this section.

(b) The office ~~department at the state and district~~
~~levels~~ and the other agencies and organizations listed in
paragraph(8)(a) ~~(7)(a)~~ shall readdress the state plan and
make necessary revisions every 5 years, at a minimum. Such
revisions shall be submitted to the Speaker of the House of
Representatives and the President of the Senate no later than
June 30 of each year divisible by 5. At least biennially, the
office shall review the state plan and make any necessary
revisions based on changing needs and program evaluation
results. An annual progress report shall be submitted to
update the state plan in the years between the 5-year
intervals. In order to avoid duplication of effort, these
required plans may be made a part of or merged with other
plans required by either the state or Federal Government, so
long as the portions of the other state or Federal Government
plan that constitute the state plan for the prevention of
child abuse, abandonment, and neglect are clearly identified

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as such and are provided to the Speaker of the House of
Representatives and the President of the Senate as required
above.

(11) RULEMAKING.--The Executive Office of the Governor
shall adopt rules pursuant to ss. 120.536(1) and 120.54 to
implement the provisions of this section.

(12) EVALUATION.--By February 1, 2009, the Legislature
shall evaluate the office and determine whether it should
continue to be housed in the Executive Office of the Governor
or transferred to a state agency.

Section 2. Section 39.0014, Florida Statutes, is
amended to read:

39.0014 Responsibilities of public agencies.--All
state, county, and local agencies shall cooperate, assist, and
provide information to the Office of Child Abuse Prevention
and the department as will enable them ~~it~~ to fulfill their ~~its~~
responsibilities under this chapter.

Section 3. Paragraph (b) of subsection (3) of section
39.0015, Florida Statutes, is amended to read:

39.0015 Child abuse prevention training in the
district school system.--

(3) DEFINITIONS.--As used in this section:

(b) "Child abuse" means those acts as defined in ss.
39.01(1), (2), (30), (43), (45), (53) ~~(52)~~, and (64) ~~(63)~~,
827.04, and 984.03(1), (2), and (37).

Section 4. Subsections (47) through (72) of section
39.01, Florida Statutes, are renumbered as subsections (48)
through (73), present subsections (10) and (47) are amended,
and a new subsection (47) is added to that section, to read:

39.01 Definitions.--When used in this chapter, unless
the context otherwise requires:

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(10) "Caregiver" means the parent, legal custodian, adult household member, or other person responsible for a child's welfare as defined in subsection(48) ~~(47)~~.

(47) "Office" means the Office of Child Abuse Prevention within the Executive Office of the Governor.

(48)~~(47)~~ "Other person responsible for a child's welfare" includes the child's legal guardian, legal custodian, or foster parent; an employee of any ~~a private~~ school, public or private child day care center, residential home, institution, facility, or agency; or any other person legally responsible for the child's welfare in a residential setting; and also includes an adult sitter or relative entrusted with a child's care. For the purpose of departmental investigative jurisdiction, this definition does not include law enforcement officers, or employees of municipal or county detention facilities or the Department of Corrections, while acting in an official capacity.

Section 5. Paragraph (a) of subsection (2) of section 39.202, Florida Statutes, is amended to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect.--

(2) Except as provided in subsection (4), access to such records, excluding the name of the reporter which shall be released only as provided in subsection (5), shall be granted only to the following persons, officials, and agencies:

(a) Employees, authorized agents, or contract providers of the department, the Department of Health, or county agencies responsible for carrying out:

1. Child or adult protective investigations;
2. Ongoing child or adult protective services;

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1 3. Early intervention and prevention services;

2 4.3- Healthy Start services; ~~or~~

3 5.4- Licensure or approval of adoptive homes, foster
4 homes, or child care facilities, or family day care homes or
5 informal child care providers who receive subsidized child
6 care funding, or other homes used to provide for the care and
7 welfare of children; ~~or-~~

8 6.5- Services for victims of domestic violence when
9 provided by certified domestic violence centers working at the
10 department's request as case consultants or with shared
11 clients.

12
13 Also, employees or agents of the Department of Juvenile
14 Justice responsible for the provision of services to children,
15 pursuant to chapters 984 and 985.

16 Section 6. Subsection (1) of section 39.302, Florida
17 Statutes, is amended to read:

18 39.302 Protective investigations of institutional
19 child abuse, abandonment, or neglect.--

20 (1) The department shall conduct a child protective
21 investigation of each report of institutional child abuse,
22 abandonment, or neglect. Upon receipt of a report that alleges
23 that an employee or agent of the department, or any other
24 entity or person covered by s. 39.01(31) or ~~(48)~~ ~~(47)~~, acting
25 in an official capacity, has committed an act of child abuse,
26 abandonment, or neglect, the department shall initiate a child
27 protective investigation within the timeframe established by
28 the central abuse hotline pursuant to s. 39.201(5) and orally
29 notify the appropriate state attorney, law enforcement agency,
30 and licensing agency. These agencies shall immediately conduct
31 a joint investigation, unless independent investigations are

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1 more feasible. When conducting investigations onsite or having
2 face-to-face interviews with the child, such investigation
3 visits shall be unannounced unless it is determined by the
4 department or its agent that such unannounced visits would
5 threaten the safety of the child. When a facility is exempt
6 from licensing, the department shall inform the owner or
7 operator of the facility of the report. Each agency conducting
8 a joint investigation shall be entitled to full access to the
9 information gathered by the department in the course of the
10 investigation. A protective investigation must include an
11 onsite visit of the child's place of residence. In all cases,
12 the department shall make a full written report to the state
13 attorney within 3 working days after making the oral report. A
14 criminal investigation shall be coordinated, whenever
15 possible, with the child protective investigation of the
16 department. Any interested person who has information
17 regarding the offenses described in this subsection may
18 forward a statement to the state attorney as to whether
19 prosecution is warranted and appropriate. Within 15 days after
20 the completion of the investigation, the state attorney shall
21 report the findings to the department and shall include in
22 such report a determination of whether or not prosecution is
23 justified and appropriate in view of the circumstances of the
24 specific case.

25 Section 7. Subsection (1) of section 402.164, Florida
26 Statutes, is amended to read:

27 402.164 Legislative intent; definitions.--

28 (1)(a) It is the intent of the Legislature to use
29 citizen volunteers as members of the Florida Statewide
30 Advocacy Council and the Florida local advocacy councils, and
31 to have volunteers operate a network of councils that shall,

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1 without interference by an executive agency, undertake to
2 discover, monitor, investigate, and determine the presence of
3 conditions or individuals that constitute a threat to the
4 rights, health, safety, or welfare of persons who receive
5 services from state agencies.

6 (b) It is the further intent of the Legislature that
7 the monitoring and investigation shall safeguard the health,
8 safety, and welfare of consumers of services provided by these
9 state agencies.

10 (c) It is the further intent of the Legislature that
11 state agencies cooperate with the councils in forming
12 interagency agreements to provide the councils with authorized
13 client records so that the councils may monitor services and
14 investigate claims.

15 Section 8. Subsections (5) and (7) of section 402.165,
16 Florida Statutes, are amended to read:

17 402.165 Florida Statewide Advocacy Council;
18 confidential records and meetings.--

19 (5)(a) Members of the statewide council shall receive
20 no compensation, but are entitled to be reimbursed for per
21 diem and travel expenses in accordance with s. 112.061.

22 (b) The Governor shall select an executive director
23 who shall serve at the pleasure of the Governor and shall
24 perform the duties delegated to him or her by the council. The
25 compensation of the executive director and staff shall be
26 established in accordance with the rules of the Selected
27 Exempt Service. The Governor shall give priority consideration
28 in the selection of an executive director to an individual
29 with professional expertise in research design, statistical
30 analysis, or agency evaluation and analysis.

31 (c) The council may apply for, receive, and accept

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1 grants, gifts, donations, bequests, and other payments
2 including money or property, real or personal, tangible or
3 intangible, and service from any governmental or other public
4 or private entity or person and make arrangements as to the
5 use of same.

6 (d) The statewide council shall annually prepare a
7 budget request that, after it is approved by the council,
8 shall be submitted to the Governor. The budget shall include a
9 request for funds to carry out the activities of the statewide
10 council and the local councils.

11 (7) The responsibilities of the statewide council
12 include, but are not limited to:

13 (a) Serving as an independent third-party mechanism
14 for protecting the constitutional and human rights of clients
15 within programs or facilities operated, funded, or contracted
16 by any state agency that provides client services.

17 (b) Monitoring, by site visit and through access to
18 records, the delivery and use of services, programs, or
19 facilities operated, funded, or contracted by any state agency
20 that provides client services, for the purpose of preventing
21 abuse or deprivation of the constitutional and human rights of
22 clients. The statewide council may conduct an unannounced site
23 visit or monitoring visit that involves the inspection of
24 records if the visit is conditioned upon a complaint. A
25 complaint may be generated by the council itself, after
26 consulting with the Governor's office, if information from any
27 state agency that provides client services or from other
28 sources indicates a situation at the program or facility that
29 indicates possible abuse or neglect or deprivation of the
30 constitutional and human rights of clients. The statewide
31 council shall establish and follow uniform criteria for the

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1 review of information and generation of complaints. The
2 statewide council shall develop a written protocol for all
3 complaints it generates to provide the Governor's office with
4 information including the nature of the abuse or neglect, the
5 agencies involved, the populations or numbers of individuals
6 affected, the types of records necessary to complete the
7 investigation, and a strategy for approaching the problem.

8 Routine program monitoring and reviews that do not require an
9 examination of records may be made unannounced.

10 (c) Receiving, investigating, and resolving reports of
11 abuse or deprivation of constitutional and human rights
12 referred to the statewide council by a local council. If a
13 matter constitutes a threat to the life, safety, or health of
14 clients or is multiservice-area in scope, the statewide
15 council may exercise its powers without the necessity of a
16 referral from a local council.

17 (d) Reviewing existing programs or services and new or
18 revised programs of the state agencies that provide client
19 services and making recommendations as to how the rights of
20 clients are affected.

21 (e) Submitting an annual report to the Legislature, no
22 later than December 30 of each calendar year, concerning
23 activities, recommendations, and complaints reviewed or
24 developed by the council during the year.

25 (f) Conducting meetings at least one time ~~six times~~ a
26 year at the call of the chair and at other times at the call
27 of the Governor or by written request of eight ~~six~~ members of
28 the council, including the executive director.

29 (g) Developing and adopting uniform procedures to be
30 used to carry out the purpose and responsibilities of the
31 statewide council and the local councils.

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(h) Supervising the operations of the local councils and monitoring the performance and activities of all local councils and providing technical assistance to members of local councils.

(i) Providing for the development and presentation of a standardized training program for members of local councils.

(j) Developing and maintaining interagency agreements between the council and the state agencies providing client services. The interagency agreements shall address the coordination of efforts and identify the roles and responsibilities of the statewide and local councils and each agency in fulfillment of their responsibilities, including access to records. The interagency agreements shall explicitly define a process that the statewide and local councils shall use to request records from the agency and shall define a process for appeal when disputes about access to records arise between staff and council members. Interagency agreements shall be renewed annually and shall be completed and reported to the Governor no later than February 1.

Section 9. Section 409.1451, Florida Statutes, is amended to read:

409.1451 Independent living transition services.--

(1) SYSTEM OF SERVICES.--

(a) The Department of Children and Family Services, its agents, or community-based providers operating pursuant to s. 409.1671 shall administer a system of independent living transition services to enable older children in foster care and young adults who exit foster care at age 18 to make the transition to self-sufficiency as adults.

(b) The goals of independent living transition services are to assist older children in foster care and young

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1 adults who were formerly in foster care to obtain life skills
2 and education for independent living and employment, to have a
3 quality of life appropriate for their age, and to assume
4 personal responsibility for becoming self-sufficient adults.

5 (c) State funds for foster care or federal funds shall
6 be used to establish a continuum of services for eligible
7 children in foster care and eligible young adults who were
8 formerly in foster care which accomplish the goals for the
9 system of independent living transition services by providing
10 services for foster children, pursuant to subsection (4), and
11 services for young adults who were formerly in foster care,
12 pursuant to subsection (5).

13 (d) For children in foster care, independent living
14 transition services are not an alternative to adoption.
15 Independent living transition services may occur concurrently
16 with continued efforts to locate and achieve placement in
17 adoptive families for older children in foster care.

18 (2) ELIGIBILITY.--

19 (a) The department shall serve children who have
20 reached 13 years of age but are not yet 18 years of age and
21 who are in foster care by providing services pursuant to
22 subsection (4). Children to be served must meet the
23 eligibility requirements set forth for specific services as
24 provided in this section.

25 (b) The department shall provide services pursuant to
26 subsection (5) to ~~serve~~ young adults who have reached 18 years
27 of age but are not yet 23 years of age and who were in foster
28 care when they turned 18 years of age or who were adopted from
29 foster care after reaching 16 years of age or, after spending
30 at least 6 months in the custody of the department after
31 reaching 16 years of age, were placed in a guardianship by the

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1 ~~court~~ ~~by providing services pursuant to subsection (5).~~ Young
2 adults are not entitled to be served but must meet the
3 eligibility requirements set forth for specific services in
4 this section.

5 (3) PREPARATION FOR INDEPENDENT LIVING.--

6 (a) It is the intent of the Legislature for the
7 Department of Children and Family Services to assist older
8 children in foster care and young adults who exit foster care
9 at age 18 in making the transition to independent living and
10 self-sufficiency as adults. The department shall provide such
11 children and young adults with opportunities to participate in
12 life skills activities in their foster families and
13 communities which are reasonable and appropriate for their
14 respective ages or for any special needs they may have, and
15 shall provide them with services to build life ~~the~~ skills and
16 increase their ability to live independently and become
17 self-sufficient. To support the provision of opportunities for
18 participation in age-appropriate life skills activities, the
19 department shall:

20 1. Develop a list of age-appropriate activities and
21 responsibilities to be offered to all children involved in
22 independent living transition services and their foster
23 parents.

24 2. Provide training for staff and foster parents to
25 address the issues of older children in foster care in
26 transitioning to adulthood, which shall include information on
27 high school completion, grant applications, vocational school
28 opportunities, supporting education and employment
29 opportunities, and ~~providing~~ opportunities to participate in
30 appropriate daily activities.

31 3. Develop procedures to maximize the authority of

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1 foster parents or caregivers to approve participation in
2 age-appropriate activities of children in their care. The
3 age-appropriate activities shall be included in the child's
4 case plan. This plan must include specific goals and
5 objectives and be reviewed at each judicial review as part of
6 the case plan.

7 4. Provide opportunities for older children in foster
8 care to interact with mentors.

9 5. Develop and implement procedures for older children
10 to directly access and manage the personal allowance they
11 receive from the department in order to learn responsibility
12 and participate in age-appropriate life skills activities to
13 the extent feasible.

14 6. Make a good faith effort to fully explain, prior to
15 execution of any signature, if required, any document, report,
16 form, or other record, whether written or electronic,
17 presented to a child or young adult and allow for the
18 recipient to ask any appropriate questions necessary to fully
19 understand the document. It shall be the responsibility of the
20 person presenting the document to the child or young adult to
21 comply with this subparagraph.

22 (b) It is further the intent of the Legislature that
23 each child in foster care, his or her foster parents, if
24 applicable, and the department or community-based provider set
25 early achievement and career goals for the child's
26 postsecondary educational and work experience. The department
27 and community-based providers shall implement the model set
28 forth in this paragraph to help ensure that children in foster
29 care are ready for postsecondary education and the workplace.

30 1. For children in foster care who have reached 13
31 years of age, ~~entering the 9th grade, their foster parents,~~

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1 ~~and~~ the department or community-based provider shall ensure
2 that the child's case plan includes an educational and career
3 path ~~be active participants in choosing a post-high school~~
4 ~~goal~~ based upon both the abilities and interests of each
5 child. The child, the foster parents, and a teacher or other
6 school staff member shall be included to the fullest extent
7 possible in developing the path. The path shall be reviewed at
8 each judicial hearing as part of the case plan and ~~goal~~ shall
9 accommodate the needs of children served in exceptional
10 education programs to the extent appropriate for each
11 individual. Such children may continue to follow the courses
12 outlined in the district school board student progression
13 plan. Children in foster care, with the assistance of their
14 foster parents, and the department or community-based provider
15 shall choose one of the following postsecondary goals:

16 a. Attending a 4-year college or university, a
17 community college plus university, or a military academy;
18 b. Receiving a 2-year postsecondary degree;
19 c. Attaining a postsecondary career and technical
20 certificate or credential; or
21 d. Beginning immediate employment, including
22 apprenticeship, after completion of a high school diploma or
23 its equivalent, or enlisting in the military.

24 2. In order to assist the child in foster care in
25 achieving his or her chosen goal, the department or
26 community-based provider shall, with the participation of the
27 child and foster parents, identify:

28 a. The core courses necessary to qualify for a chosen
29 goal.
30 b. Any elective courses which would provide additional
31 help in reaching a chosen goal.

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1 c. The grade point requirement and any additional
2 information necessary to achieve a specific goal.

3 d. A teacher, other school staff member, employee of
4 the department or community-based care provider, or community
5 volunteer who would be willing to work with the child as an
6 academic advocate or mentor if foster parent involvement is
7 insufficient or unavailable.

8 3. In order to complement educational goals, the
9 department and community-based providers are encouraged to
10 form partnerships with the business community to support
11 internships, apprenticeships, or other work-related
12 opportunities.

13 4. The department and community-based providers shall
14 ensure that children in foster care and their foster parents
15 are made aware of the postsecondary goals available and shall
16 assist in identifying the coursework necessary to enable the
17 child to reach the chosen goal.

18 (c) All children in foster care and young adults
19 formerly in foster care are encouraged to take part in
20 learning opportunities that result from participation in
21 community service activities.

22 (d) Children in foster care and young adults formerly
23 in foster care shall be provided with the opportunity to
24 change from one postsecondary goal to another, and each
25 postsecondary goal shall allow for changes in each
26 individual's needs and preferences. Any change, particularly a
27 change that will result in additional time required to achieve
28 a goal, shall be made with the guidance and assistance of the
29 department or community-based provider.

30 (4) SERVICES FOR CHILDREN IN FOSTER CARE.--The
31 department shall provide the following transition to

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1 independence services to children in foster care who meet
2 prescribed conditions and are determined eligible by the
3 department. The service categories available to children in
4 foster care which facilitate successful transition into
5 adulthood are:

6 (a) Preindependent living services.--

7 1. Preindependent living services include, but are not
8 limited to, life skills training, educational field trips, and
9 conferences. The specific services to be provided to a child
10 shall be determined using a preindependent living assessment.

11 2. A child who has reached 13 years of age but is not
12 yet 15 years of age who is in foster care is eligible for such
13 services.

14 3. The department shall conduct an annual staffing for
15 each child who has reached 13 years of age but is not yet 15
16 years of age to ensure that the preindependent living training
17 and services to be provided as determined by the
18 preindependent living assessment are being received and to
19 evaluate the progress of the child in developing the needed
20 independent living skills.

21 4. At the first annual staffing that occurs following
22 a child's 14th birthday, and at each subsequent staffing, the
23 department or community-based provider shall ensure that the
24 child's case plan includes an educational and career path
25 based upon both the abilities and interests of each child and
26 shall provide to each child detailed personalized information
27 on services provided by the Road-to-Independence ~~Scholarship~~
28 Program, including requirements for eligibility; on other
29 grants, scholarships, and waivers that are available and
30 should be sought by the child with assistance from the
31 department, including, but not limited to, the Bright Futures

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1 Scholarship Program, as provided in ss. 1009.53-1009.538; on
2 application deadlines; and on grade requirements for such
3 programs.

4 5. Information related to both the preindependent
5 living assessment and all staffings, which shall be reduced to
6 writing and signed by the child participant, shall be included
7 as a part of the written report required to be provided to the
8 court at each judicial review held pursuant to s. 39.701.

9 (b) Life skills services.--

10 1. Life skills services may include, but are not
11 limited to, independent living skills training, including
12 training to develop financial literacy ~~banking and budgeting~~
13 skills, interviewing skills, parenting skills, and time
14 management or organizational skills, educational support,
15 employment training, and counseling. Children receiving these
16 services should also be provided with information related to
17 social security insurance benefits and public assistance. The
18 specific services to be provided to a child shall be
19 determined using an independent life skills assessment.

20 2. A child who has reached 15 years of age but is not
21 yet 18 years of age who is in foster care is eligible for such
22 services.

23 3. The department shall conduct a staffing at least
24 once every 6 months for each child who has reached 15 years of
25 age but is not yet 18 years of age to ensure that the
26 appropriate independent living training and services as
27 determined by the independent life skills assessment are being
28 received and to evaluate the progress of the child in
29 developing the needed independent living skills.

30 4. The department shall provide to each child in
31 foster care no later than ~~during~~ the calendar month following

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the child's 17th birthday an independent living assessment to determine the child's skills and abilities to live independently and become self-sufficient. ~~Based on the results of the independent living assessment, services and training shall be provided in order for the child to develop the necessary skills and abilities prior to the child's 18th birthday.~~

5. The department or community-based care provider shall work with the child in developing a joint transition plan that is consistent with the needs assessment described in subparagraph 4. The transition plan must identify the specific services needed to support the child's own efforts to achieve independence and must include specific tasks that the child must complete or maintain in order to achieve independence. The plan shall be incorporated into the child's case plan and reviewed at the first judicial review after the child's 17th birthday.

~~6.5.~~ Information related to both the independent life skills assessment and all staffings, which shall be reduced to writing and signed by the child participant, shall be included as a part of the written report required to be provided to the court at each judicial review held pursuant to s. 39.701.

(c) Subsidized independent living services.--

1. Subsidized independent living services are living arrangements that allow the child to live independently of the daily care and supervision of an adult in a setting that is not required to be licensed under s. 409.175.

2. A child who has reached 16 years of age but is not yet 18 years of age is eligible for such services if he or she:

a. Is adjudicated dependent under chapter 39; has been

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1 placed in licensed out-of-home care for at least 6 months
2 prior to entering subsidized independent living; and has a
3 permanency goal of adoption, independent living, or long-term
4 licensed care; and

5 b. Is able to demonstrate independent living skills,
6 as determined by the department, using established procedures
7 and assessments.

8 3. Independent living arrangements established for a
9 child must be part of an overall plan leading to the total
10 independence of the child from the department's supervision.
11 The plan must include, but need not be limited to, a
12 description of the skills of the child and a plan for learning
13 additional identified skills; the behavior that the child has
14 exhibited which indicates an ability to be responsible and a
15 plan for developing additional responsibilities, as
16 appropriate; a plan for future educational, vocational, and
17 training skills; present financial and budgeting capabilities
18 and a plan for improving resources and ability; a description
19 of the proposed residence; documentation that the child
20 understands the specific consequences of his or her conduct in
21 the independent living program; documentation of proposed
22 services to be provided by the department and other agencies,
23 including the type of service and the nature and frequency of
24 contact; and a plan for maintaining or developing
25 relationships with the family, other adults, friends, and the
26 community, as appropriate.

27 4. Subsidy payments in an amount established by the
28 department may be made directly to a child under the direct
29 supervision of a caseworker or other responsible adult
30 approved by the department.

31 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER

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1 CARE.--Based on the availability of funds, the department
2 shall provide or arrange for the following services to young
3 adults formerly in foster care who meet the prescribed
4 conditions and are determined eligible by the department. The
5 department, or a community-based care lead agency when the
6 agency is under contract with the department to provide the
7 services described under this subsection, shall develop a plan
8 to implement those services. A plan shall be developed for
9 each community-based care service area in the state. Each plan
10 that is developed by a community-based carelead agency shall
11 be submitted to the department. Each plan shall include the
12 number of young adults to be served each month of the fiscal
13 year and specify the number of young adults who will reach 18
14 years of age who will be eligible for the plan and the number
15 of young adults who will reach 23 years of age and will be
16 ineligible for the plan or who are otherwise ineligible during
17 each month of the fiscal year; staffing requirements and all
18 related costs to administer the services and program;
19 expenditures to or on behalf of the eligible recipients; costs
20 of services provided to young adults through an approved plan
21 for housing, transportation, and employment; reconciliation of
22 these expenses and any additional related costs with the funds
23 allocated for these services; and an explanation of and a plan
24 to resolve any shortages or surpluses in order to end the
25 fiscal year with a balanced budget. The categories of
26 services available to assist a young adult formerly in foster
27 care to achieve independence are:

28 (a) Aftercare support services.--

29 1. Aftercare support services are available to assist
30 young adults who were formerly in foster care in their efforts
31 to continue to develop the skills and abilities necessary for

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1 independent living. The aftercare support services available
2 include, but are not limited to, the following:

- 3 a. Mentoring and tutoring.
4 b. Mental health services and substance abuse
5 counseling.
6 c. Life skills classes, including credit management
7 and preventive health activities.
8 d. Parenting classes.
9 e. Job and career skills training.
10 f. Counselor consultations.
11 g. Temporary financial assistance.
12 h. Financial literacy skills training.

13
14 The specific services to be provided under this subparagraph
15 shall be determined by an aftercare services assessment and
16 may be provided by the department or through referrals in the
17 community.

18 2. Temporary assistance provided to prevent
19 homelessness shall be provided as expeditiously as possible
20 and within the limitations defined by the department.

21 3.2. A young adult who has reached 18 years of age but
22 is not yet 23 years of age who leaves foster care at 18 years
23 of age but who requests services prior to reaching 23 years of
24 age is eligible for such services.

25 (b) Road-to-Independence ~~Scholarship~~ Program.--

26 1. The Road-to-Independence ~~Scholarship~~ Program is
27 intended to help eligible students who are former foster
28 children in this state to receive the educational and
29 vocational training needed to achieve independence. The amount
30 of the award shall be based on the living and educational
31 needs of the young adult and may be up to, but may not exceed,

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1 the amount of earnings that the student would have been
2 eligible to earn working a 40-hour-a-week federal minimum wage
3 job.

4 2. A young adult who has reached 18 years of age but
5 is not yet 21 years of age is eligible for the initial award,
6 and a young adult under 23 years of age is eligible for
7 renewal awards, if he or she:

8 a. Was a dependent child, under chapter 39, and was
9 living in licensed foster care or in subsidized independent
10 living at the time of his or her 18th birthday or is currently
11 in licensed foster care or subsidized independent living, was
12 adopted from foster care after reaching 16 years of age, or,
13 after spending at least 6 months in the custody of the
14 department after reaching 16 years of age, was placed in a
15 guardianship by the court;

16 b. Spent at least 6 months living in foster care
17 before reaching his or her 18th birthday;

18 c. Is a resident of this state as defined in s.
19 1009.40; and

20 d. Meets one of the following qualifications:

21 (I) Has earned a standard high school diploma or its
22 equivalent as described in s. 1003.43 or s. 1003.435, or has
23 earned a special diploma or special certificate of completion
24 as described in s. 1003.438, and has been admitted for
25 full-time enrollment in an eligible postsecondary education
26 institution as defined in s. 1009.533;

27 (II) Is enrolled full time in an accredited high
28 school; or

29 (III) Is enrolled full time in an accredited adult
30 education program designed to provide the student with a high
31 school diploma or its equivalent.

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1 3. A young adult applying for the ~~a~~
2 Road-to-Independence Program ~~Scholarship~~ must apply for any
3 other grants and scholarships for which he or she may qualify.
4 The department shall assist the young adult in the application
5 process and may use the federal financial aid grant process to
6 determine the funding needs of the young adult.

7 4. An award shall be available to a young adult who is
8 considered a full-time student or its equivalent by the
9 educational institution in which he or she is enrolled, unless
10 that young adult has a recognized disability preventing
11 full-time attendance. The amount of the award, whether it is
12 being used by a young adult working toward completion of a
13 high school diploma or its equivalent or working toward
14 completion of a postsecondary education program, shall be
15 determined based on an assessment of the funding needs of the
16 young adult. This assessment must consider the young adult's
17 living and educational costs and other grants, scholarships,
18 waivers, earnings, and other income to be received by the
19 young adult. An award shall be available only to the extent
20 that other grants and scholarships are not sufficient to meet
21 the living and educational needs of the young adult, but an
22 award may not be less than \$25 in order to maintain Medicaid
23 eligibility for the young adult as provided in s. 409.903.

24 5. The portion of any award which if funded through
25 federal education and training vouchers may be disregarded for
26 purposes of determining the eligibility for, or the amount of,
27 any other federal or federally supported assistance.

28 6.5-a. The department must advertise the criteria,
29 application procedures, and availability of the program to:

30 (I) Children and young adults in, leaving, or formerly
31 in foster care.

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1 (II) Case managers.

2 (III) Guidance and family services counselors.

3 (IV) Principals or other relevant school

4 administrators ~~and must ensure that the children and young~~
5 ~~adults leaving foster care, foster parents, or family services~~
6 ~~counselors are informed of the availability of the program and~~
7 ~~the application procedures.~~

8 b. A young adult must apply for the initial award
9 during the 6 months immediately preceding his or her 18th
10 birthday, and the department shall provide assistance with the
11 application process. A young adult who fails to make an
12 initial application, but who otherwise meets the criteria for
13 an initial award, may make one application for the initial
14 award if the application is made before the young adult's 21st
15 birthday. If the young adult does not apply for an initial
16 award before his or her 18th birthday, the department shall
17 inform that young adult of the opportunity to apply before
18 turning 21 years of age.

19 c. ~~If funding for the program is available,~~ The
20 department shall issue awards from the ~~scholarship~~ program for
21 each young adult who meets all the requirements of the program
22 to the extent funding is available.

23 d. An award shall be issued at the time the eligible
24 student reaches 18 years of age.

25 e. A young adult who is eligible for the
26 Road-to-Independence Program, transitional support services,
27 or aftercare services and who so desires shall be allowed to
28 reside with the licensed foster family or group care provider
29 with whom he or she was residing at the time of attaining his
30 or her 18th birthday or to reside in another licensed foster
31 home or with a group care provider arranged by the department.

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1 f. If the award recipient transfers from one eligible
2 institution to another and continues to meet eligibility
3 requirements, the award must be transferred with the
4 recipient.

5 g. ~~Scholarship~~ Funds awarded to any eligible young
6 adult under this program are in addition to any other services
7 or funds provided to the young adult by the department through
8 transitional support services or aftercare services ~~its~~
9 ~~independent living transition services~~.

10 h. The department shall provide information concerning
11 young adults receiving funding through the
12 Road-to-Independence Program ~~Scholarship~~ to the Department of
13 Education for inclusion in the student financial assistance
14 database, as provided in s. 1009.94.

15 i. ~~Scholarship~~ Funds are intended to help eligible
16 young adults ~~students~~ who are former foster children in this
17 state to receive the educational and vocational training
18 needed to become independent and self-supporting. The funds
19 shall be terminated when the young adult has attained one of
20 four postsecondary goals under subsection (3) or reaches 23
21 years of age, whichever occurs earlier. In order to initiate
22 postsecondary education, to allow for a change in career goal,
23 or to obtain additional skills in the same educational or
24 vocational area, a young adult may earn no more than two
25 diplomas, certificates, or credentials. A young adult
26 attaining an associate of arts or associate of science degree
27 shall be permitted to work toward completion of a bachelor of
28 arts or a bachelor of science degree or an equivalent
29 undergraduate degree. Road-to-Independence Program ~~Scholarship~~
30 funds may not be used for education or training after a young
31 adult has attained a bachelor of arts or a bachelor of science

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1 degree or an equivalent undergraduate degree.

2 j. The department shall evaluate and renew each award
3 annually during the 90-day period before the young adult's
4 birthday. In order to be eligible for a renewal award for the
5 subsequent year, the young adult must:

6 (I) Complete the number of hours, or the equivalent
7 considered full time by the educational institution, unless
8 that young adult has a recognized disability preventing
9 full-time attendance, in the last academic year in which the
10 young adult earned an award ~~a scholarship~~, except for a young
11 adult who meets the requirements of s. 1009.41.

12 (II) Maintain appropriate progress as required by the
13 educational institution, except that, if the young adult's
14 progress is insufficient to renew the award ~~scholarship~~ at any
15 time during the eligibility period, the young adult may
16 restore eligibility by improving his or her progress to the
17 required level.

18 k. ~~Scholarship~~ Funds may be terminated during the
19 interim between an award and the evaluation for a renewal
20 award if the department determines that the award recipient is
21 no longer enrolled in an educational institution as defined in
22 sub-subparagraph 2.d., or is no longer a state resident. The
23 department shall notify a recipient ~~student~~ who is terminated
24 and inform the recipient ~~student~~ of his or her right to
25 appeal.

26 l. An award recipient who does not qualify for a
27 renewal award or who chooses not to renew the award may
28 subsequently apply for reinstatement. An application for
29 reinstatement must be made before the young adult reaches 21
30 ~~23~~ years of age, and a student may not apply for reinstatement
31 more than once. In order to be eligible for reinstatement, the

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1 young adult must meet the eligibility criteria and the
2 criteria for award renewal for the ~~scholarship~~ program.

3 (c) Transitional support services.--

4 1. In addition to any services provided through
5 aftercare support or the Road-to-Independence Program
6 ~~Scholarship~~, a young adult formerly in foster care may receive
7 other appropriate short-term funding and services, which may
8 include financial, housing, counseling, employment, education,
9 mental health, disability, and other services, if the young
10 adult demonstrates that the services are critical to the young
11 adult's own efforts to achieve self-sufficiency and to develop
12 a personal support system.

13 2. A young adult formerly in foster care is eligible
14 to apply for transitional support services if he or she has
15 reached 18 years of age but is not yet 23 years of age, was a
16 dependent child pursuant to chapter 39, was living in licensed
17 foster care or in subsidized independent living at the time of
18 his or her 18th birthday, and had spent at least 6 months
19 living in foster care before that date.

20 3. If at any time the services are no longer critical
21 to the young adult's own efforts to achieve self-sufficiency
22 and to develop a personal support system, they shall be
23 terminated.

24 (d) Payment of aftercare, Road-to-Independence Program
25 ~~scholarship~~, or transitional support funds.--

26 1. Payment of aftercare, Road-to-Independence Program
27 ~~scholarship~~, or transitional support funds shall be made
28 directly to the recipient unless the recipient requests in
29 writing to the community-based care lead agency, or the
30 department, that the payments or a portion of the payments be
31 made directly on the recipient's behalf in order to secure

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1 services such as housing, counseling, education, or employment
2 training as part of the young adult's own efforts to achieve
3 self-sufficiency.

4 2. After the completion of aftercare support services
5 that satisfy the requirements of sub-subparagraph (a)1.h.,
6 payment of awards under the Road-to-Independence Program shall
7 be made by direct deposit to the recipient, unless the
8 recipient requests in writing to the community-based care lead
9 agency or the department that:

10 a. The payments be made directly to the recipient by
11 check or warrant;

12 b. The payments or a portion of the payments be made
13 directly on the recipient's behalf to institutions the
14 recipient is attending to maintain eligibility under this
15 section; or

16 c. The payments be made on a two-party check to a
17 business or landlord for a legitimate expense, whether
18 reimbursed or not. A legitimate expense for the purposes of
19 this sub-subparagraph shall include automobile repair or
20 maintenance expenses; educational, job, or training expenses;
21 and costs incurred, except legal costs, fines, or penalties,
22 when applying for or executing a rental agreement for the
23 purposes of securing a home or residence.

24 3. The community-based care lead agency may purchase
25 housing, transportation, or employment services to ensure the
26 availability and affordability of specific transitional
27 services thereby allowing an eligible young adult to utilize
28 these services in lieu of receiving a direct payment. Prior to
29 purchasing such services, the community-based care lead agency
30 must have a plan approved by the department describing the
31 services to be purchased, the rationale for purchasing the

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1 services, and a specific range of expenses for each service
2 that is less than the cost of purchasing the service by an
3 individual young adult. The plan must include a description of
4 the transition of a young adult using these services into
5 independence and a timeframe for achievement of independence.
6 An eligible young adult who can demonstrate an ability to
7 obtain these services independently and prefers a direct
8 payment shall receive such payment. The plan must be reviewed
9 annually and evaluated for cost-efficiency and for
10 effectiveness in assisting young adults in achieving
11 independence, preventing homelessness among young adults, and
12 enabling young adults to earn a living wage in a permanent
13 employment situation.

14 4. The young adult who resides with a foster family
15 may not be included as a child in calculating any licensing
16 restriction on the number of children in the foster home.

17 (e) Appeals process.--

18 1. The Department of Children and Family Services
19 shall adopt by rule a procedure by which a young adult may
20 appeal an eligibility determination or the department's
21 failure to provide aftercare, Road-to-Independence Program
22 ~~scholarship~~, or transitional support services, or the
23 termination of such services, if such funds are available.

24 2. The procedure developed by the department must be
25 readily available to young adults, must provide timely
26 decisions, and must provide for an appeal to the Secretary of
27 Children and Family Services. The decision of the secretary
28 constitutes final agency action and is reviewable by the court
29 as provided in s. 120.68.

30 (6) ACCOUNTABILITY.--The department shall develop
31 outcome measures for the program and other performance

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1 measures.

2 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.--The
3 Secretary of Children and Family Services shall establish the
4 Independent Living Services Advisory Council for the purpose
5 of reviewing and making recommendations concerning the
6 implementation and operation of the independent living
7 transition services. This advisory council shall continue to
8 function as specified in this subsection until the Legislature
9 determines that the advisory council can no longer provide a
10 valuable contribution to the department's efforts to achieve
11 the goals of the independent living transition services.

12 (a) Specifically, the advisory council shall assess
13 the implementation and operation of the system of independent
14 living transition services and advise the department on
15 actions that would improve the ability of the independent
16 living transition services to meet the established goals. The
17 advisory council shall keep the department informed of
18 problems being experienced with the services, barriers to the
19 effective and efficient integration of services and support
20 across systems, and successes that the system of independent
21 living transition services has achieved. The department shall
22 consider, but is not required to implement, the
23 recommendations of the advisory council.

24 (b) The advisory council shall report to the
25 appropriate substantive committees of the Senate and the House
26 of Representatives on the status of the implementation of the
27 system of independent living transition services; efforts to
28 publicize the availability of aftercare support services, the
29 Road-to-Independence ~~Scholarship~~ Program, and transitional
30 support services; ~~specific barriers to financial aid created~~
31 ~~by the scholarship and possible solutions;~~ the success of the

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1 services; problems identified; recommendations for department
2 or legislative action; and the department's implementation of
3 the recommendations contained in the Independent Living
4 Services Integration Workgroup Report submitted to the Senate
5 and the House substantive committees December 31, 2002. This
6 advisory council report shall be submitted by December 31 of
7 each year that the council is in existence and shall be
8 accompanied by a report from the department which identifies
9 the recommendations of the advisory council and either
10 describes the department's actions to implement these
11 recommendations or provides the department's rationale for not
12 implementing the recommendations.

13 (c) Members of the advisory council shall be appointed
14 by the secretary of the department. The membership of the
15 advisory council must include, at a minimum, representatives
16 from the headquarters and district offices of the Department
17 of Children and Family Services, community-based care lead
18 agencies, the Agency for Workforce Innovation, the Department
19 of Education, the Agency for Health Care Administration, the
20 State Youth Advisory Board, Workforce Florida, Inc., the
21 Statewide Guardian Ad Litem Office, foster parents, recipients
22 of Road-to-Independence Program funding, and advocates for
23 foster children. The secretary shall determine the length of
24 the term to be served by each member appointed to the advisory
25 council, which may not exceed 4 years.

26 (d) The Department of Children and Family Services
27 shall provide administrative support to the Independent Living
28 Services Advisory Council to accomplish its assigned tasks.
29 The advisory council shall be afforded access to all
30 appropriate data from the department, each community-based
31 care lead agency, and other relevant agencies in order to

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1 accomplish the tasks set forth in this section. The data
2 collected may not include any information that would identify
3 a specific child or young adult.

4 (8) PERSONAL PROPERTY.--Property acquired on behalf of
5 clients of this program shall become the personal property of
6 the clients and is not subject to the requirements of chapter
7 273 relating to state-owned tangible personal property. Such
8 property continues to be subject to applicable federal laws.

9 (9) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN
10 FOSTER CARE.--The department shall enroll in the Florida
11 KidCare program, outside the open enrollment period, each
12 young adult who is eligible as described in paragraph (2)(b)
13 and who has not yet reached his or her 20th ~~19th~~ birthday.

14 (a) A young adult who was formerly in foster care at
15 the time of his or her 18th birthday and who is 18 years of
16 age but not yet 20 ~~19~~, shall pay the premium for the Florida
17 KidCare program as required in s. 409.814.

18 (b) A young adult who has health insurance coverage
19 from a third party through his or her employer or who is
20 eligible for Medicaid is not eligible for enrollment under
21 this subsection.

22 (10) RULEMAKING.--The department shall adopt by rule
23 procedures to administer this section, including balancing the
24 goals of normalcy and safety for the youth and providing the
25 caregivers with as much flexibility as possible to enable the
26 youth to participate in normal life experiences. The
27 department shall not adopt rules relating to reductions in
28 ~~scholarship~~ awards. The department shall engage in appropriate
29 planning to prevent, to the extent possible, a reduction in
30 ~~scholarship~~ awards after issuance.

31 Section 10. Paragraph (b) of subsection (2) of section

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1 409.175, Florida Statutes, is amended to read:

2 409.175 Licensure of family foster homes, residential
3 child-caring agencies, and child-placing agencies; public
4 records exemption.--

5 (2) As used in this section, the term:

6 (b) "Boarding school" means a school which is
7 accredited by the Florida Council of Independent Schools or
8 the Southern Association of Colleges and Schools; which is
9 accredited by the Council on Accreditation, the Commission on
10 Accreditation of Rehabilitation Facilities, or the Coalition
11 for Residential Education; and which is registered with the
12 Department of Education as a school. Its program must follow
13 established school schedules, with holiday breaks and summer
14 recesses in accordance with other public and private school
15 programs. The children in residence must customarily return to
16 their family homes or legal guardians during school breaks and
17 must not be in residence year-round, except that this
18 provision does not apply to foreign students. The parents of
19 these children retain custody and planning and financial
20 responsibility. A boarding school currently in existence and a
21 boarding school opening and seeking accreditation has 3 years
22 to comply with the requirements of this paragraph. A boarding
23 school must provide proof of accreditation or documentation of
24 the accreditation process upon request. A boarding school that
25 cannot produce the required documentation or that has not
26 registered with the Department of Education shall be
27 considered to be providing residential group care without a
28 license. The department may impose administrative sanctions or
29 seek civil remedies as provided under paragraph (11)(a).

30 Section 11. Subsection (2) of section 39.013, Florida
31 Statutes, is amended to read:

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1 39.013 Procedures and jurisdiction; right to
2 counsel.--

3 (2) The circuit court shall have exclusive original
4 jurisdiction of all proceedings under this chapter, of a child
5 voluntarily placed with a licensed child-caring agency, a
6 licensed child-placing agency, or the department, and of the
7 adoption of children whose parental rights have been
8 terminated under this chapter. Jurisdiction attaches when the
9 initial shelter petition, dependency petition, or termination
10 of parental rights petition is filed or when a child is taken
11 into the custody of the department. The circuit court may
12 assume jurisdiction over any such proceeding regardless of
13 whether the child was in the physical custody of both parents,
14 was in the sole legal or physical custody of only one parent,
15 caregiver, or some other person, or was in the physical or
16 legal custody of no person when the event or condition
17 occurred that brought the child to the attention of the court.
18 When the court obtains jurisdiction of any child who has been
19 found to be dependent, the court shall retain jurisdiction,
20 unless relinquished by its order, until the child reaches 18
21 years of age. However, if a youth petitions the court at any
22 time before his or her 19th birthday requesting the court's
23 continued jurisdiction, the juvenile court may retain
24 jurisdiction under this chapter for a period not to exceed 1
25 year following the youth's 18th birthday for the purpose of
26 determining whether appropriate aftercare support,
27 Road-to-Independence Program ~~Scholarship~~, transitional
28 support, mental health, and developmental disability services,
29 to the extent otherwise authorized by law, have been provided
30 to the formerly dependent child who was in the legal custody
31 of the department immediately before his or her 18th birthday.

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1 If a petition for special immigrant juvenile status and an
2 application for adjustment of status have been filed on behalf
3 of a foster child and the petition and application have not
4 been granted by the time the child reaches 18 years of age,
5 the court may retain jurisdiction over the dependency case
6 solely for the purpose of allowing the continued consideration
7 of the petition and application by federal authorities. Review
8 hearings for the child shall be set solely for the purpose of
9 determining the status of the petition and application. The
10 court's jurisdiction terminates upon the final decision of the
11 federal authorities. Retention of jurisdiction in this
12 instance does not affect the services available to a young
13 adult under s. 409.1451. The court may not retain jurisdiction
14 of the case after the immigrant child's 22nd birthday.

15 Section 12. Paragraph (a) of subsection (6) of section
16 39.701, Florida Statutes, is amended to read:

17 39.701 Judicial review.--

18 (6)(a) In addition to paragraphs (1)(a) and (2)(a),
19 the court shall hold a judicial review hearing within 90 days
20 after a youth's 17th birthday. The court shall also issue an
21 order, separate from the order on judicial review, that the
22 disabilities of nonage of the youth have been removed for the
23 sole purpose of ensuring that youth in foster care will be
24 able to execute a contract for the lease of residential
25 property pursuant to s. 743.045. The court and shall continue
26 to hold timely judicial review hearings thereafter. In
27 addition, the court may review the status of the child more
28 frequently during the year prior to the youth's 18th birthday
29 if necessary. At each review held under this subsection, in
30 addition to any information or report provided to the court,
31 the foster parent, legal custodian, guardian ad litem, and the

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1 child shall be given the opportunity to address the court with
2 any information relevant to the child's best interests,
3 particularly as it relates to independent living transition
4 services. In addition to any information or report provided to
5 the court, the department shall include in its judicial review
6 social study report written verification that the child:

7 1. Has been provided with a current Medicaid card and
8 has been provided all necessary information concerning the
9 Medicaid program sufficient to prepare the youth to apply for
10 coverage upon reaching age 18, if such application would be
11 appropriate.

12 2. Has been provided with a certified copy of his or
13 her birth certificate and, if the child does not have a valid
14 driver's license, a Florida identification card issued under
15 s. 322.051.

16 3. Has been provided information relating to Social
17 Security Insurance benefits if the child is eligible for these
18 benefits. If the child has received these benefits and they
19 are being held in trust for the child, a full accounting of
20 those funds must be provided and the child must be informed
21 about how to access those funds.

22 4. Has been provided with information and training
23 related to budgeting skills, interviewing skills, and
24 parenting skills.

25 5. Has been provided with all relevant information
26 related to the Road-to-Independence Program ~~Scholarship~~,
27 including, but not limited to, eligibility requirements, forms
28 necessary to apply, and assistance in completing the forms.
29 The child shall also be informed that, if he or she is
30 eligible for the Road-to-Independence ~~Scholarship~~ Program, he
31 or she may reside with the licensed foster family or group

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1 care provider with whom the child was residing at the time of
2 attaining his or her 18th birthday or may reside in another
3 licensed foster home or with a group care provider arranged by
4 the department.

5 6. Has an open bank account, or has identification
6 necessary to open an account, and has been provided with
7 essential banking skills.

8 7. Has been provided with information on public
9 assistance and how to apply.

10 8. Has been provided a clear understanding of where he
11 or she will be living on his or her 18th birthday, how living
12 expenses will be paid, and what educational program or school
13 he or she will be enrolled in.

14 9. Has been provided with notice of the youth's right
15 to petition for the court's continuing jurisdiction for 1 year
16 after the youth's 18th birthday as specified in s. 39.013(2)
17 and with information on how to obtain access to the court.

18 10. Has been encouraged to attend all judicial review
19 hearings occurring after his or her 17th birthday.

20 Section 13. Paragraph (c) of subsection (2) of section
21 1009.25, Florida Statutes, is amended to read:

22 1009.25 Fee exemptions.--

23 (2) The following students are exempt from the payment
24 of tuition and fees, including lab fees, at a school district
25 that provides postsecondary career programs, community
26 college, or state university:

27 (c) A student who the state has determined is eligible
28 for the Road-to-Independence Program ~~Scholarship~~, regardless
29 of whether an award is issued or not, or a student who is or
30 was at the time he or she reached 18 years of age in the
31 custody of a relative under s. 39.5085, or who is adopted from

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1 the Department of Children and Family Services after May 5,
2 1997. Such exemption includes fees associated with enrollment
3 in career-preparatory instruction and completion of the
4 college-level communication and computation skills testing
5 program. Such an exemption is available to any student who was
6 in the custody of a relative under s. 39.5085 at the time he
7 or she reached 18 years of age or was adopted from the
8 Department of Children and Family Services after May 5, 1997;
9 however, the exemption remains valid for no more than 4 years
10 after the date of graduation from high school.

11 Section 14. Section 743.045, Florida Statutes, is
12 created to read:

13 743.045 Removal of disabilities of minors; executing
14 contracts for a residential lease.--For the sole purpose of
15 ensuring that youth in foster care will be able to execute a
16 contract for the lease of residential property in order that
17 the youth may move into the leased residential property on the
18 day of the youth's 18th birthday, the disability of nonage of
19 minors is removed for all youth who have reached the age of 17
20 years, who have been adjudicated dependent, and who are in the
21 legal custody of the Department of Children and Family
22 Services through foster care or subsidized independent living.
23 These youth are authorized to make and execute contracts,
24 releases, and all other instruments necessary for the purpose
25 of entering into a contract for the lease of residential
26 property upon the youth's 18th birthday. The contracts or
27 other instruments made by the youth shall have the same effect
28 as though they were the obligations of persons who were not
29 minors. Youth seeking to enter into such lease contracts or
30 execute other necessary instruments that are incidental to
31 entering into a lease must present an order from a court of

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1 competent jurisdiction removing the disabilities of nonage of
2 the minor under this section.

3 Section 15. This act shall take effect July 1, 2006.

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